Attorney/Docket No. 31132.222 Customer No. 000027683



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ferguson, et al. Group Art Unit: 3738 999999 Serial No.: 10/799,835 Confirmation No.: 8484 Filed: March 12, 2004 Examiner: TBD

For: TECHNIQUE AND INSTRUMENTATION FOR INTERVERTEBRAL PROSTHESIS **IMPLANTATION**

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment **Commissioner For Patents** P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

In compliance with the duty of disclosure under 37 CFR §1.56, and in accordance with the practice under 37 CFR §1.97 and §1.98, the Examiner's attention is directed to the documents listed on the enclosed modified Form PTO-1449. No inference should be made that the cited references are in fact material, are in fact prior art, or that no better art exists. The cited patents are listed in numerical order and are not in any order based on their pertinence.

The above-identified application was filed after June 30, 2003. Therefore, pursuant to the waiver of the requirement under 37 CFR 1.98 (a)(2)(i) as stated in a Pre-OG Notice dated July 11, 2003, copies of only the foreign patent documents and non-patent literature listed on the enclosed modified Form PTO-1449 are attached.

This Information Disclosure Statement is being filed within three months of the United States filing date or before the mailing date of a first Office Action on the merits. No certification or fee is required (37 CFR §1.97(b)).

The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account 08-1394.

It is respectfully requested that the above information be considered by the Examiner and that a copy of the enclosed Form PTO-1449 be returned indicating that such information has been considered.

Respectfully submitted,

M. Nickols

Registration No. 50,826

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 3/17/05

Printed Name

Signature

U. S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE Complete if Known Application Number 10/799,835 Filing Date March 12, 2004 INFORMATION DISCLOSURE Applicant(s) Ferguson, et al. STATEMENT BY APPLICANT (use as many sheets as necessary) Art Unit 3738 **Examiner Name** TBD SHEET OF Attorney Docket Number 31132.222

U. S. PATENT DOCUMENTS							
Examiner's Initials	Cite No.	Document Number	Publication Date	Name of Patentee or Applicant of Cited Document			
	A1	2005/0021040 A1	01/27/2005	Bertagnoli			
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FOREIGN PATENT DOCUMENTS							
Examiner's Initials	Cite No.	Foreign Patent Document (Country Code - Number - Kind)	Publication Date	Patentee or Applicant of Cited Document	Translation Y/N		
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NON-PATENT LITERATURE DOCUMENTS							
Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article, title of the item, date, page(s), volume-issue number(s), publisher, city/country where published						

Examiner	Date	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.